

## Remarks

### **1. Amendments to the specifications**

Applicants have amended the specification to correct a minor clerical problem. On the third line of the first full paragraph of page 3, the word "principal" was replaced with the word "principle".

### **2. Amendments to the claims**

Applicants have amended claims 1, 2, 8, 20, 24-26, and 36 to correct clerical problems. No new matter was added.

In claim 1, "at a first network device on a first computer network," was added to the beginning of the second paragraph. The language "from a first network device on a first computer network" was deleted from between "requesting" and "from" in the second paragraph.

Also in claim 1, the word "with" located between "communications" and "the third network device" was replaced with the language "between the first network device and". These amendments were made to clarify the language of claim 1 rather than for patentability reasons and were not made because of any objection or rejection from the Examiner.

Claim 2 was amended to make it an independent claim by incorporating the limitations of the claim upon which it formerly depended. These amendments were made to clarify the language of claim 1 rather than for patentability reasons and were not made because of any objection or rejection from the Examiner.

Claim 8 was amended to change its dependency. It now depends upon claim 7 rather than claim 1.

Claim 20 was amended to correct a minor typographical problem that resulted in a § 112 rejection for a lack of antecedent basis. The word "the" located between "using" and "locally unique port" in the final paragraph of the claim was replaced with the word "a".

Claim 24 was amended to change its dependency. It now depends upon claim 23 rather than claim 20.

Claim 25 was amended to correct a minor typographical error. The word "an" was inserted between "secure protocol is" and "Internet Protocol security protocol".

Claim 26 was amended to change its dependency. It now depends upon claim 25 rather than claim 20.

Claim 36 was amended to correct a minor typographical error. The word "the" located between "wherein" and "second network provides local" in the second paragraph was replaced with the word "a". Likewise, the word "a" located between "encryption key" and "network device" on the first line of the final paragraph was replaced with the word "the".

**3. Response to provisional double patenting rejections**

The Examiner has rejected claims 1-3, 6-10, 14-15, 18, 20-25, 28-29, 31 and 34-37 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. 6,353,614. Additionally, the Examiner has provisionally rejected claims 1-39 under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 09/384158.

Applicants have enclosed with the present response a terminal disclaimer in compliance with 37 CFR §1.321(c) to overcome these nonstatutory double patenting rejections.

**4. Response to § 112, Second Paragraph Rejections**

The Examiner rejected claims 8, 20, 24-26 and 36 under 35 U.S.C. § 112, second paragraph for lack of antecedent basis. Applicants have amended these claims, rendering the rejection moot. No new matter has been added.

**5. Response to §102(e) and §103 rejections: References sworn behind**

The Examiner rejected 1-44 as either anticipated by Ylonen under 35 U.S.C. § 102(e) or made obvious by the combination of Ylonen and Danieli under 35 U.S.C. § 103.

Applicant submits that Ylonen does not disclose all the elements of Applicants' claimed invention. In addition, Applicants submit that the proposed combination of Ylonen and Danieli do not teach or suggest all of the elements of the claimed invention.

However, any substantive arguments of anticipation and obvious are moot as neither reference can properly be considered prior art. Applicants have enclosed with the present response a Declaration in compliance with 37 CFR §1.131 along with supporting documentation that swears behind both the Ylonen and Danieli references.

More specifically, the Declaration and supporting exhibits illustrate that the claimed invention was conceived prior to the earliest United States filing date of both Ylonen (U.S. filing date September 11, 1998) and Danieli (U.S. filing date January 13, 1999) and that the invention was diligently reduced to practice in the United States.


Accordingly, the rejections of pending claims 1-44 based on Ylonen or the combination of Ylonen and Danieli should be withdrawn.

**Conclusion**

In view of the foregoing, Applicants respectfully submit that all of the presently pending claims are now in condition for allowance, and Applicants respectfully request prompt favorable reconsideration.

Respectfully submitted,

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